

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT E. KING II,

NO. CIV. S-05-404 LKK/PAN

Plaintiff,

v.

O R D E R

BIMBO BAKERIES, USA,

Defendant.

Robert King ("plaintiff") brings suit against Bimbo Bakeries USA, Inc. ("defendants"), alleging six claims related to his termination of employment. Defendants bring a motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) and/or for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). Based on the pleadings, the parties' papers, and oral argument, the court makes the following ORDERS:

1. Plaintiff's complaint is DISMISSED with leave to amend. Plaintiff shall file his amended complaint within twenty-five (25) days of this order.

1 2. Defendants' motion for sanctions pursuant to Fed. R. Civ.
2 P. 11 is DENIED.

3 IT IS SO ORDERED.

4 DATED: August 16, 2005.

5 /s/Lawrence K. Karlton
6 LAWRENCE K. KARLTON
7 SENIOR JUDGE
8 UNITED STATES DISTRICT COURT
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